

MEMORANDUM

Agenda Item No. 6(G)

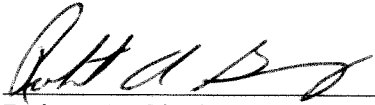
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

(Second Reading 5-11-04)
DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to the
posting of warning signs that
riding in motor vehicles with an
open container of alcohol is a
crime

The accompanying ordinance was prepared and placed on the agenda at the request
of Senator Javier D. Souto.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 11, 2004

FROM: George M. Burgess
County Manager

A handwritten signature in dark ink, appearing to read "George M. Burgess", is written over the printed name of the County Manager.

SUBJECT: Proposed ordinance requiring
package stores and food
stores selling alcoholic
beverages to post a sign
warning that riding with an
open container of alcohol is
against the law

The proposed ordinance requiring package stores and food stores selling alcoholic beverages to post a sign warning that riding with an open container of alcohol or driving under the influence of alcohol is a crime will have a fiscal impact on Miami-Dade County.

There are approximately 10,000 establishments in Miami-Dade County that sell alcoholic beverages, including grocery stores, retail stores and package stores. The fiscal impact associated with printing, materials and mailing expenses to make the industry and the public aware of the signage posting requirement is estimated at \$5,000. Enforcement is recommended to be done on a complaint driven basis utilizing existing staff.

Fiscal/002304




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 11, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(G)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 6 (G)

Veto _____

5-11-04

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 21-31.2 OF THE MIAMI-DADE COUNTY CODE REQUIRING PACKAGE STORES AND FOOD STORES SELLING ALCOHOLIC BEVERAGES TO POST A SIGN WARNING THAT RIDING WITH AN OPEN CONTAINER OF ALCOHOL OR DRIVING UNDER THE INFLUENCE OF ALCOHOL IS A CRIME; PROVIDING SIGNS PURSUANT TO THIS SECTION BE POSTED IN ENGLISH, SPANISH AND CREOLE; PROVIDING ENFORCEMENT UNDER SECTION 8CC OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING PENALTIES, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, it is in the public interest to alert individuals when they are buying alcoholic beverages that it is illegal to drive under the influence of alcohol or to possess an open container of alcohol while driving or riding in a motor vehicle,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-31.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 21-31.2. Consumption or possession of alcohol in open containers near store selling alcoholic beverages, religious property, and other locations. >>Signs required in such stores.<<

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(b) Public nuisance; unlawful acts.

* * *

>>(4) The owner or operator of any package store or food store selling alcoholic beverages shall prominently post, on the outside of the display case and coolers containing alcoholic beverages, a sign with contrasting letters at least two (2) inches tall, stating the following:

IT IS UNLAWFUL TO POSSESS AN OPEN CONTAINER OF ALCOHOL WHILE DRIVING OR RIDING IN A MOTOR VEHICLE. DRIVING UNDER THE INFLUENCE OF ALCOHOL IS UNLAWFUL. VIOLATORS ARE SUBJECT TO IMMEDIATE ARREST AND IMPOUNDMENT OF THEIR VEHICLE. REMEMBER: JUST ONE BOTTLE OF BEER COULD LAND YOU IN JAIL.

(5) The signs required by this ordinance shall be posted in English, Spanish and Haitian Creole.<<

* * *

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
21-31.2 (b) (3) & (4)	>> <u>Failure to Post Alcohol Warning Sign</u>	<u>\$500</u> <<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance

is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

TwL

Thomas W. Logue

Sponsored by Sen. Javier D. Souto